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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,120	05/22/2001	Masaya Matsuura	397.31.01	9566

22242 7590 03/23/2004

FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
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CHICAGO, IL 60603-3406

EXAMINER
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LU, TOM Y

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 03/23/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/863,120

**Applicant(s)**

MATSUURA ET AL.

**Examiner**

Tom Y Lu

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. Claims 14-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Such a claim is non-statutory because the terminology "a program" alone has no set definition.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Salesin et al (U.S. Patent No. 5,847,712).

- a. Referring to Claim 1, Salesin discloses means for generating a line drawing image (figure 18C is the claimed "line drawing image") comprising line drawing image pieces (roof, fence and walls in figure 18C are the claimed "image piece"); means for imparting vibrations to each of said line drawing image pieces (the additional shading lines shown in figures 18A and 18B are the claimed imparting vibrations. A detailed example is shown in figure 3B. Salesin at column 11, lines 60-64, teaches the hatching stroke 40 is part of the claimed "drawing image piece", the strokes 84 are the claimed "vibration" lines); means for drawing vibrating line drawing image pieces in a memory (all the image data is saved in a memory, column 6, line 47).

- b. Referring to Claim 2, Salesin discloses wherein line drawing image comprises a three-dimensional line drawing image (see figures 18A-18C).
- c. Referring to Claim 3, Salesin discloses wherein said means for imparting vibration generates vibrations to each of said line drawing image pieces by adding a random number to each coordinate of vertices of polygons forming each of said line drawing image pieces in a three dimensional space (column 11, lines 63-67 and column 12, lines 1-2, Salesin teaches the space among the stokes is randomized).
- d. Referring to Claim 4, Salesin discloses wherein said three-dimensional line drawing image drawn in said memory by said means for drawing is a substantially linear image (see figure 18C for linear image) comprising vibrating line drawing image pieces horizontally extending substantially from one side to another (see figure 3B for horizontally extending) said on a display screen (column 6, line 46, visual output device 23).
- e. Referring to Claim 5, Salesin discloses wherein a vibrating non-linear line drawing image is inserted in a part of said substantially linear image comprising vibrating line drawing image pieces (see wiggly edge in figure 17B for an example of non-linear line drawing image technique, which is incorporated in the figures 18A and 18B).
- f. With regard to Claim 6, all limitations are addressed in Claim 1.
- g. With regard to Claim 7, all limitations are addressed in Claim 2.
- h. With regard to Claim 8, all limitations are addressed in Claim 3.

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- i. With regard to Claim 9, the only difference between Claim 9 and Claim 1 is Claim 9 calls for an additional limitation of “a recording medium for storing a program”, which Salesin discloses implementing his system on a computer, which inherently includes a recording medium for storing a program.
- j. With regard to Claim 10, all limitations are addressed in Claim 2.
- k. With regard to Claim 11, all limitations are addressed in Claim 3.
- l. With regard to Claim 12, all limitations are addressed in Claim 4.
- m. With regard to Claim 13, all limitations are addressed in Claim 5.
- n. With regard to Claim 14, all limitations are addressed in Claim 9.
- o. With regard to Claim 15, all limitations are addressed in Claim 10.
- p. With regard to Claim 16, all limitations are addressed in Claim 11.
- q. With regard to Claim 17, all limitations are addressed in Claim 12.
- r. With regard to Claim 18, all limitations are addressed in Claim 13.

### ***Conclusion***

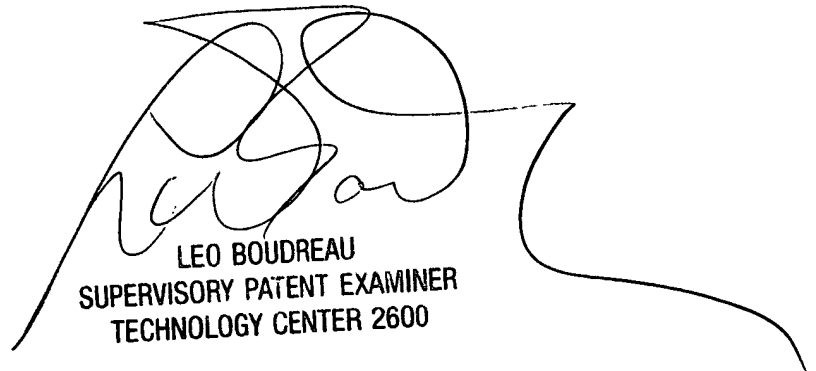
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y Lu whose telephone number is (703) 306-4057. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tom Y. Lu



LEO BOUDREAU  
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